

In the Description of the Drawings: Change "Figure 1 is a front view of an edit icon for a computer display" to --Figure 1 is a front view of an icon for a computer display--;

IN THE CLAIM:

Change "The Ornamental design for A COMPUTER DISPLAY as shown and described" to --The Ornamental design for an Icon for a Computer Display as shown and described--.

Remarks

The Office Action of August 5, 1996, has been carefully considered. Reconsideration of the present application, as amended below, is respectfully requested.

To summarize the present amendment, the present application has, been amended to (1) delete any reference to the term "PAPER TRAY" and (2) emphasize that the invention is directed to an ornamental icon design for a computer display. Additionally, a copy of amended drawings have been provided for the Examiner's approval. Finally, remarks addressing rejections related to both matter added by amendment and statutory subject matter of the present invention are provided.

Use of the term "PAPER TRAY" was impliedly objected to on the basis that the invention is directed toward an icon for use with a computer display, and use of the icon in conjunction with a paper tray has no bearing on patentability of the icon. Applicants have amended the present application to delete all references to the paper tray. Moreover, the Title of the Invention, Description of the Drawings and Claim have been amended to place them in a form more suitable for allowance.

The drawings were objected to on the basis that Figures 3-6, 8 and 9 must be canceled in view of Applicants' election in an Amendment of October 15, 1996. Moreover, a renumbering of Figures 1, 2 and 7 as Figures 1-3,

respectively, is required. A copy of a proposed set of drawings, with revisions shown in red, is provided herewith for the Examiner's approval. A set of formal drawings will be provided in response to an indication that allowable subject matter has been found in the present application.

The Office Action of August 5, 1997 is arranged in 11 subsections. Those subsections of the Office Action which require addressing will be discussed below in a suitable order:

Re subsection 5 of the Office Action

The proposed amended illustration submitted with Applicants' amendment of May 21, 1993, was entered; however the illustration has been objected to under 35 U.S.C. § 132 as adding new matter and the claim has been rejected under the first paragraph of 35 U.S.C. § 112 as being unsupported by the specification.

Applicants' amended illustration merely added in phantom, thus unclaimed, a computer display background in which the claimed design is embodied. As shown by the following remarks, such computer display is supported by the original title, specification and claim (as well as the law), and that any objection/rejection of the proposed amended illustration is unwarranted.

The meaning of the term "computer display" is well understood by both those skilled in the art as well as laypersons. Referring to Appendix I, the respective dictionary definitions of "computer" and "display" are consistent with the view that a computer display is an article for displaying information, such as computer generated icons.

Additionally, in view of the patent literature available at the time of the filing of the present application, one of skill in the art of computer generated icon design would understand readily the manner in which the present edge trim icon is embodied in the article. This is supported by a search, performed by one of Applicants' representatives in the Lexis database on November 3,

1997. To elaborate, the following term was used to perform a search in the "ALL" file of the "PATCOP" library.

(Computer w/2 Display) w/5 Icon) and (Filed bef 06/14/91)

As should be recognized, the term facilitates a search for each patent filed prior to June 14, 1991 in which the word "icon" is within five words of the expression "computer display. Twenty five (25) patents were found using this search term (See Appendix II listing the patents found during the search) and a substantial number of such patents include explicit teachings regarding the manner in which a computer generated icon is embodied in a computer display.

Moreover, it is submitted that the U.S. Patent and Trademark Office understood that icons are embodied in computer displays since the present application was classified in a design area (D18) relating to "office machinery" and "printing devices". In performing a search for the present application, various references relating to the use of graphic icons on computer screens were found. By its own actions, relative to the prosecution of the present application, the USPTO has demonstrated a tacit understanding that the Icon of the present application is embodied in the screen of a computer.

The Office Actions received thus far virtually ignore references in the present application to the "computer display" article and thus view amendment of the drawings to be impermissible. This disregard is in contradiction to the rules governing such matters. 37 C.F.R. § 1.118(a) specifies in pertinent part that "[a]ll amendments to the specification, including the claims, and the drawings filed after the filing date of the application must conform to at least one of them as it was at the time of the filing of the application." Applicants' amended drawings, in now conforming to the title, description *and* claim, clearly meets this requirement, which applies to design applications according to 37 C.F.R. § 1.151. Only "[m]atter *not found in either,*

involving a *departure from* or an *addition to* the original disclosure, cannot be added to the application” 37 C.F.R. § 1.118(a) (emphasis added). No showing has been made or grounds established to support a determination that the representative computer screen now in the drawing in any way “departs from” or “adds to” the disclosure of that article in the original title, specification and claim of the application. As such, the drawing amendment in the present application is properly distinguished from an application having a symbol, feature or element in (or added to) an original drawing that is not disclosed in the original application.

Applicants’ amended drawings add no new matter and are proper according to other pertinent rules governing design patent applications, namely 37 C. F. R. § 1.117. Section 117 sets forth that,

[t]he specification, claims and drawings must be amended and revised when required, to correct inaccuracies of description and definition or unnecessary prolixity, and to secure correspondence between the claims, the specification and the drawing.

The present application discloses the article in the title, specification and claims; as such, the plain meaning of 37 C. F. R. § 1.117 also permits the drawings to be amended in the conforming manner presented by Applicants.

37 C.F.R. § 1.83 provides:

. . . conventional features disclosed in the application and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (e.g. a labeled rectangular box).

The representative computer display, added to the drawing in the present application for the purpose of clarifying the environment of the invention, clearly qualifies as a "conventional feature": The Icon design is the invention of the present application, not any particular shape or structure of the known computer display upon which it appears, as per the original specification and claim. As interpreted by the courts, Applicants' disclosure "must be read in the light of the knowledge possessed by those skilled in the art, and that knowledge can be established by affidavits of fact composed by an expert." *In re Lange*, 209 USPQ 288, 294 (CCPA. 1981), citing *In re Katzschmann*, 146 USPQ 66 (CCPA 1965). As discussed above, the computer display shown in the drawing is both a conventional feature and supported by the originally filed application. Thus Rule 83 permits Applicants to amend the drawing in the manner presented.

The Office Action also cites 35 U.S.C. § 132 as a basis for determining that the computer display now shown in the drawing is new matter. While Section 132 merely directs without explanation that "[n]o amendment shall introduce new matter into the disclosure of the invention", the M.P.E.P. provides specific guidance on the implementation of this law.

The M.P.E.P. clearly permits drawing amendments to be made in design patent applications by requiring that "[i]n general terms, if the additional or amended illustration is reasonably supported by the original disclosure under 35 U.S.C. § 112, first and second paragraphs, it will not be refused entry." M.P.E.P. § 1504, pg. 1500-8. Any "difference" (amendment) between the original and new drawings is not grounds for rejection under the first paragraph of 35 U.S.C. § 112; rather, the M.P.E.P. instructs that grounds for rejection as new matter exist when "the original disclosure does not include *reasonable support* for the proposed changes." M.P.E.P. § 1504, pg. 1500-8, Form Paragraph 15.51 (emphasis added). Applicants assert that there is

reasonable support for the representative computer display shown in the amended drawings of the present application since the original title, description and claim each specify that the Icon is for a "computer display".

It is Applicants' understanding, based on a telephone interview between the Examiner and one of Applicants' attorneys on December 13, 1996, that addition of a screen to the drawings, based on a disclosure of a "computer display" in the title, specification and claim, constitutes new matter since, notwithstanding the disclosure of computer display in the title, specification and claim, a proportional relationship between the icon and the display (namely the article) was not disclosed in the originally filed application. It is submitted that any alleged proportional relationship of the Icon to the conventional display is not being claimed and is not dispositive to a consideration of the patentability of the subject computer generated icon. Applicants' coverage of the present icon is not intended to be limited to an icon or screen of any particular proportions. The icon could be large relative to the screen or small relative to the screen.

The screen is shown only in broken lines and no particular proportional relationship between the display and the icon is conveyed. That is, the broken line illustration merely designates the article in which the icon design is embodied. This view is consistent with the MPEP § 1503.02 which provides:

A broken line showing is for illustrative purposes only and forms no part of the claimed invention. . . . The use of broken lines indicates that the environmental structure or the portion of the article depicted in broken lines forms no part of the design, and is not to indicate the relative importance of parts of the design.

To give weight to the broken lines in the manner suggested by the interview would raise broken lines to a level of significance that is not

supported by the controlling law. *In re Zahn*, 204 USPQ 988, 994-996 (CCPA 1980). More particularly, as taught by *Zahn*, the broken lines are only intended to indicate the existence of the article, but not *how* the subject design is embodied in the article:

No sound authority has been cited for any limitation on *how* a design is to be embodied in an article of manufacture. Here the design is embodied in the shank portion of a drill and a drill is unquestionably an article of manufacture. It is thus applied design as distinguished from abstract design. . . . We note also that § 171 refers, not to the design *of* an article, but to a design *for* an article, and is inclusive of ornamental designs of *all* kinds including surface ornamentation as well as configuration of goods.

Zahn at 995 (emphasis in original) (*citing, In re Hruby*, 153 USPQ 61 (1967)).

It follows from both the MPEP and *Zahn* that, in the case of an applied design, the exact dimensions or characteristic features of an article of manufacture shown in broken line drawing are irrelevant. That is, the broken line drawing of the article is intended to convey nothing more than the mere presence of the article. There can be little doubt, in view of the opinions of *Zahn* and *Hruby*, that an article, when provided in broken line drawing, is to be treated as environment or background. Accordingly, the design in *Zahn* is for a drill bit shank, and *not* any particular drill (i.e. article). If the case were otherwise, an Applicant would be forced to disclose an unlimited number of design/article configurations in order to obtain comprehensive coverage for an applied design, e.g. a separate design application would be required for a range of shank/drill or icon/screen configurations.

As discussed above, the application, as originally filed, provides more than ample § 112 support for the addition of an exemplary, conventional

screen to the drawings. To require the present Applicants to disclose any more than an exemplary screen would be inconsistent with both the MPEP and the corresponding law. In accordance with the MPEP and the corresponding law, there is nothing to support the argument raised in the interview, as understood by Applicants, that amendment of the drawings to include the article requires support in the originally filed application as to the size proportionality between the applied design (the icon) and the article (the computer display or screen).

Re: Subsections 7-9 of the Office Action

The claim of the present application has been rejected under 35 U.S.C. § 171 as not being directed toward statutory subject matter. Subsection 9 of the Office Action provides guidance, with respect to obtaining design patent coverage for computer generated icons, by reference to the following conditions stated in USPTO Guidelines at 1185 OG 60:

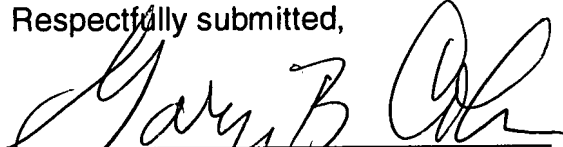
- 1) the computer screen, monitor, other display panel, or portion thereof is shown in broken or solid lines with the icon displayed on it, and
- 2) the claim is directed to the subject matter as embodied in an article of manufacture.

On the basis of support in the original title, specification and claim, the drawing has been amended to show the Icon as being surrounded by a broken line representative of a computer display or screen. Moreover, on the basis the original title, specification and claim, it should be clear that the Icon is embodied in the computer display, i.e. the Icon is used to provide ornamentation for the computer display. Hence the Icon of the subject application constitutes patentable subject matter in accordance with the requirements of both 35 U.S.C. § 171 and the pertinent USPTO Guidelines.

In view of the foregoing remarks and amendments, reconsideration of this application and allowance thereof are earnestly solicited.

In the event the Examiner considers personal contact advantageous to the disposition of this case, she is hereby requested to call Applicants' attorney, Gary B. Cohen, at Telephone Number (716) 423-6612, Rochester, New York.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gary B. Cohen", written over a horizontal line.

Gary B. Cohen
Attorney for Applicants
Registration No. 33,127
(716) 423-6612

GBC/ez

November 4, 1997

Xerox Corporation
Xerox Square 20A
Rochester, New York 14644

Attachments: Appendixes I and II

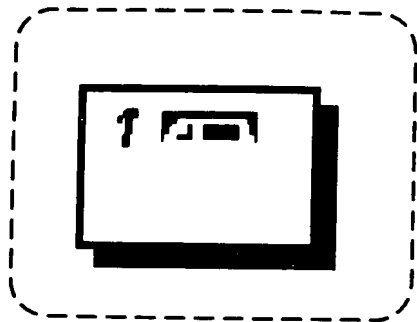


FIG. 1

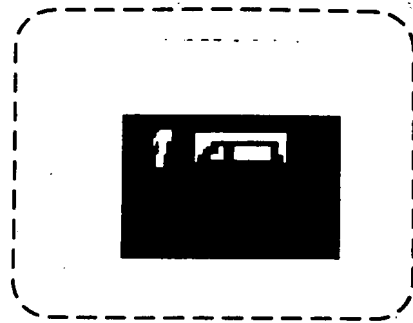


FIG. 2

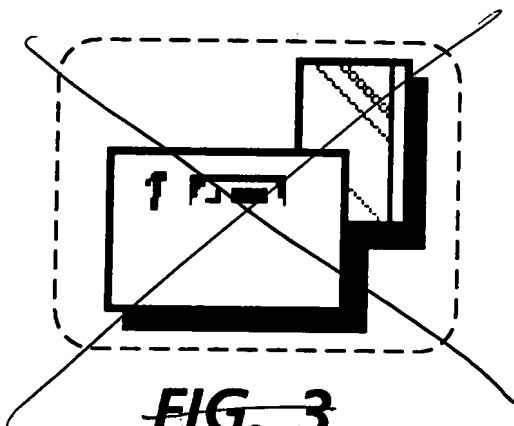


FIG. 3

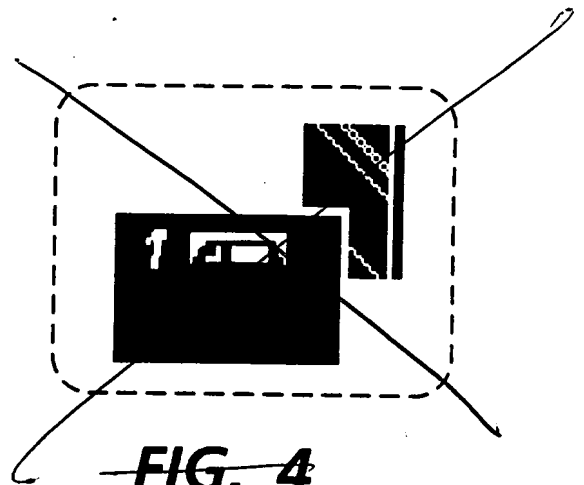


FIG. 4

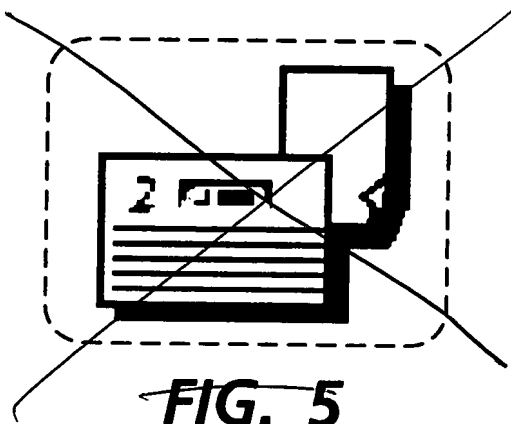


FIG. 5

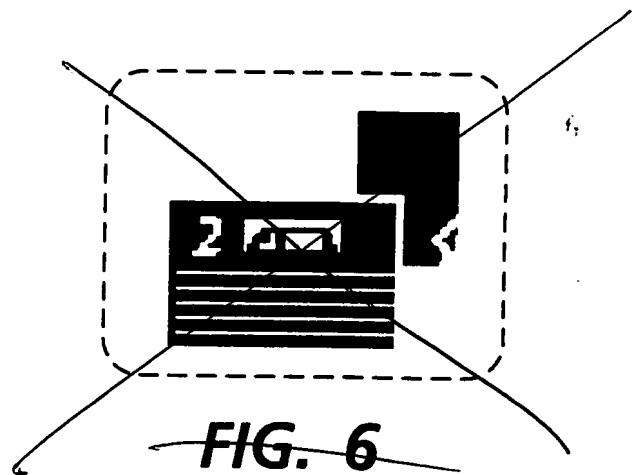


FIG. 6

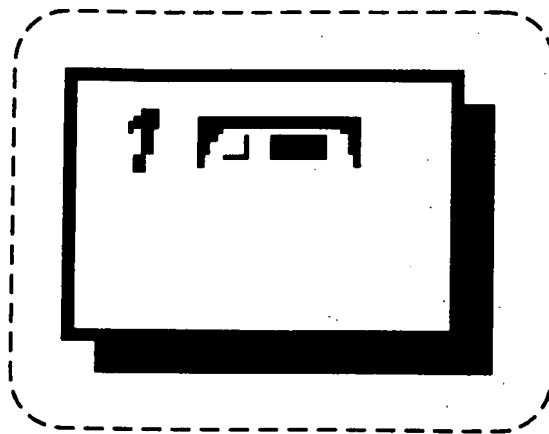


FIG. 7 3

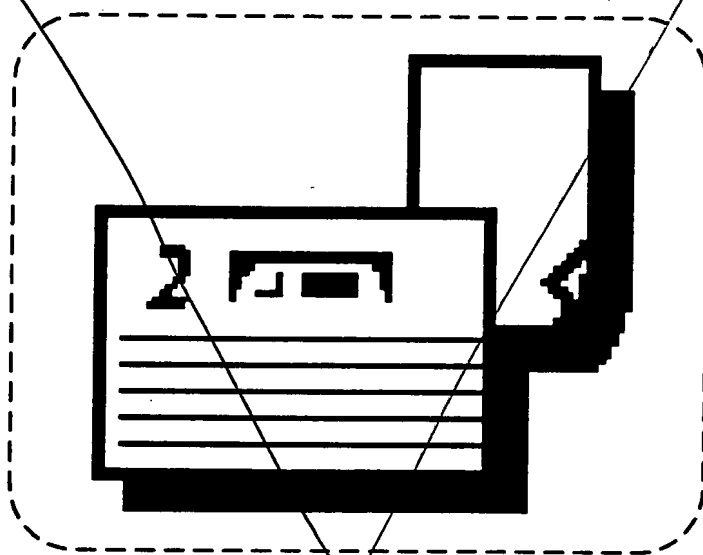


FIG. 8

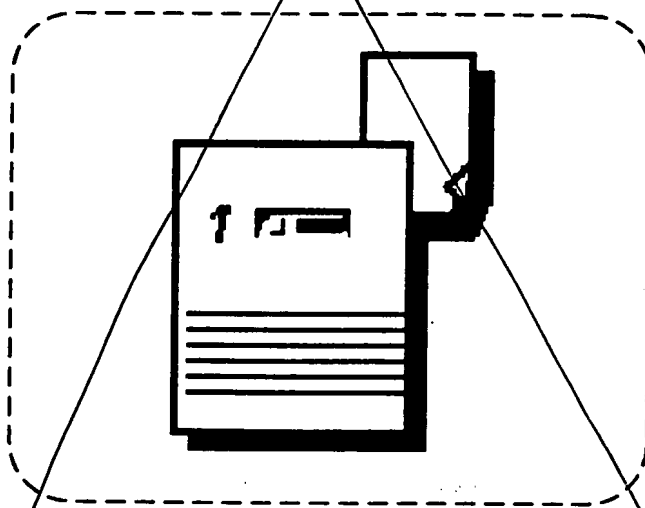


FIG. 9

Appendix I

oste. fr. *L. composta*, fem. of *com-*
it cooked in syrup 2: a bowl of
base and stem from which *com-*
-*vb* [ME *compounen*, fr. *MF*
to *ponere* to put — more at *pos-*
so as to form a whole: *com-*
combining parts (~ a medicated
ement (~ a debt) 4 a: to pay
and the principal b: to add to
policy—Robert Lekachman) 5
osculate (an offense) (~ a felony)
pound 2: to come to terms of
adj — *compound-er* *n*
-*adj* [ME *compouned*, pp. of
resulting from union of separate
nt (a ~ plant ovary) b: having
forming two or more leaflets on a
3 or used in a combination 3 a
b of a sentence: having two or
a: a word consisting of *com-*
igh school, devil-may-care) b: a
mbinations of words, combining
loylece, builder) 2: something
rts: specif: a distinct substance
more ingredients in definite pro-
etymology fr. Malay *kampong*
fenced or walled-in area contain-
ences
(1923): having two or more main
lauses
in insect) made up of many seg-
acture produced in such a way a
bone fragments usu. protrude
omputed on the sum of an orig-
microscope consisting of an ob-
routube
(as 2 ft. 5 in.) involving differ-
pra-dore \ˈdō(ə)r, -ˈdō(ə)r\ *n* [Fr.
Chinese agent engaged by a for-
charge of its Chinese employees
ss affairs 2: INTERMEDIARY
comprehender, fr. *L. comprehen-*
— more at *PREHENSILE* (14c) 1
meaning of 2: to include as a
he truth of everything which ma-
to include by construction a
DERSTAND. INCLUDE — *com-pre-*
(1598): capable of being com-
hen-si-bil-i-ty \ˈhən(ə)-sə-bil-
(-)-sə-bil-nəs\ *n* — *com-pre-*
n [MF & L; *MF*, fr. *L. compre-*
ss. pp. of *comprehendere* to en-
act or action of grasping with the
ledge gained by comprehending
lly 2 a: the act or process of
ality of including: *COMPREH-*
(14) 1: covering completely a
s) (~ insurance) 2: having a
nowledge) — *com-pre-hen-si-*
essen, fr. *LL. compressare* to pres-
sere to compress, fr. *com-* + *pre-*
(14c) 1: to press or squeeze to-
me as if by squeezing ~ *vi*; *in-*
ACT
se, fr. *compresser* to compress, *fr.*
d cloth or pad applied so as to
for compressing
adj (14c) 1: pressed together
essure) 2: flattened as though
tened laterally (petioles ~)
a dorsoventral direction — *com-*
adv
pressure greater than that of the
(1691): capable of being com-
-bil-it-y \ˈbɪl-ə-ti\ *n*
1 a: the act, process, or result
3 compressed 2: the process of
linder of an internal-combustion
much compressed fossil plant —
dj
itudinal wave (as a sound wave)
n of the medium — called also
-wave
) 1: of or relating to *com-*
-pressively adv
that compresses: as a ~ gas
line that compresses gases
com-pressing [ME *compress-*
L *comprehendere*] (15c) 1: to
e (civilization as Lenin used the
pressed the changes that are

associated in our minds with "developed" rather than "developing"
states — *Times Lit. Supp.* 2: to be made up of (a committee *com-*
three faculty members and three public members) 3: *COMPOSE*
CONSTITUTE (a misconception as to what ~s a literary generation —
William Styron) (about 8 percent of our military forces are *com-*
of women — Jimmy Carter)
usage Although it has been in use since the late 18th century, sense 3
is still attacked as wrong. Why it has been singled out is not clear, but
until comparatively recent times it was found chiefly in scientific or
technical writing rather than belles lettres. Our current evidence
shows a slight shift in usage; sense 3 is somewhat more frequent in
recent literary use than the earlier senses. You should be aware, how-
ever, that if you use sense 3 you may be subject to criticism for doing
so, and you may want to choose a safer synonym such as *compose* or
make up.
com-pro-mise \ˈkəm-prə-miz\ *n* [ME, mutual promise to abide by an
arbitrator's decision, fr. *MF compromiss*, fr. *L. compromissum*, fr. neut. of
compromissus, pp. of *compromittere* to promise mutually, fr. *com-* +
promittere to promise — more at *PROMISE*] (15c) 1 a: settlement of
differences by arbitration or by consent reached by mutual concessions
b: something blending qualities of two different things 2: a concession
to something derogatory or prejudicial (a ~ of principles)
com-pro-mise *vb* -*mis-ed*, -*mis-ing* *vi* (1598) 1 a: to bind by mutual
agreement 2: to adjust or settle by mutual concessions 3: to ex-
pose to discredit or mischief ~ *vi* 1: to come to agreement by mutual
concession 2: to make a shameful or disreputable concession — *com-*
pro-mis-er *n*
compt \ˈkaʊnt, ˈkɑm(p)t\ *archaic* var of *COUNT*
com-rol-ler \kəm-ˈtrō-lər, ˈkɑm(p)-, ˈkɑm(p)-\ *n* [ME, alter. of *con-*
roller controller] (15c) 1: a royal-household official who examines
and supervises expenditures 2: a public official who audits govern-
ment accounts and sometimes certifies expenditures 3: *CONTROLLER*
ic — *com-rol-ler-ship* *n*, -*ship* *n*
com-pul-sion \kəm-ˈpʊl-shən\ *n* [ME, fr. *MF* or *LL*; *MF*, fr. *LL. compul-*
sion, *compulsio*, fr. *L. compulsum*, pp. of *compellere* to compel] (15c) 1
a: an act of compelling: the state of being compelled b: a force that
compels 2: an irresistible impulse to perform an irrational act
com-pul-sive \ˈpʊl-siv\ *adj* (1588) 1: having power to compel 2: of,
relating to, caused by, or suggestive of psychological compulsion or
obsession (~ actions) — *com-pul-sive-ly* *adv* — *com-pul-sive-ness* *n* —
com-pul-siv-ity \kəm-ˈpʊl-siv-ə-ti, ˈkɑm-ˈpʊl-siv-ə-ti\ *n*
com-pul-so-ry \kəm-ˈpʊl-s(ə)-rē\ *adj* (1581) 1: MANDATORY, ENFORCED
2: COERCIVE, COMPELLING — *com-pul-so-ri-ly* \-s(ə)-rē-lē\ *adv*
com-punc-tion \kəm-ˈpʊn(k)-shən\ *n* [ME *compunctio*, fr. *MF. compun-*
ction, fr. *LL. compunctio*, *compunctio*, fr. *L. compunctus*, pp. of
compungere to prick hard, sting, fr. *com-* + *pungere* to prick — more at
PUNGENT] (14c) 1 a: anxiety arising from awareness of guilt (~ of
conscience) b: distress of mind over an anticipated action or result
(he showed no ~ in planning devilish engines of ... destruction —
Havelock Ellis) 2: a twinge of misgiving: SCRUPLE (cheated without
~) *syn* see PENITENCE, QUALM — *com-punc-tious* \-shəs\ *adj*
com-pur-ga-tion \kɑm-ˈpʊr-ˈgā-shən\ *n* [LL *compurgatio*, *compur-*
gatio, fr. *L. compurgatus*, pp. of *compurgare* to clear completely, fr. *com-* +
purgare to purge] (1638): the clearing of an accused person by
oaths of persons who swear to his veracity or innocence
com-pur-ga-tor \ˈkɑm-ˈpʊr-ˈgāt-ər\ *n* (1533): one that under oath
vouches for the character or conduct of an accused person
com-put-able \kəm-ˈpyūt-ə-bəl\ *adj* (1646): capable of being computed
— *com-put-abil-ty* \-pyūt-ə-bil-ə-ti\ *n*
com-put-a-tion \kɑm-ˈpyūt-ā-shən\ *n* (15c) 1 a: the act or action of
computing: CALCULATION b: the use or operation of a computer 2
a: system of reckoning 3: an amount computed — *com-put-a-tion-al*
\-shən-əl\ *adj*
com-pute \kəm-ˈpyūt\ *n* (1588): COMPUTATION
compute *vb* *com-put-ed*, *com-put-ing* [L *computare* — more at *COUNT*] *vi*
(1616): to determine esp. by mathematical means (~ your income
tax); also: to determine or calculate by means of a computer ~ *vi* 1
: to make calculation: RECKON 2: to use a computer
computed *tomography* *n* (ca. 1977): radiography in which a three-
dimensional image of a body structure is constructed by computer
from a series of plane cross-sectional images made along an axis —
called also *computed axial tomography*, *computerized axial tomography*,
computerized tomography
com-puter \kəm-ˈpyūt-ər\ *n*, often *attrib* (1646): one that computes;
specif: a programmable electronic device that can store, retrieve, and
process data — *com-puter-like* \-lɪk\ *adj*
com-puter-ese \ˈpyūt-ər-ēz, -rēz\ *n* (ca. 1960): jargon used by com-
puter technologists
com-puter-ize chiefly *Brit* var of *COMPUTERIZE*
com-puter-ist \kəm-ˈpyūt-ər-ɪst\ *n* (1973): a person who uses or oper-
ates a computer
com-puter-ize \kəm-ˈpyūt-ər-ɪz\ *vi* -*ized*, -*iz-ing* (1957) 1: to carry
out, control, or produce by means of a computer 2: to equip with
computers 3 a: to store in a computer b: to put in a form that a
computer can use — *com-puter-iz-able* \-rɪ-zə-bəl\ *adj* — *com-puter-*
iz-a-tion \ˈpyūt-ər-ɪz-ā-shən\ *n*
com-puter-nik \kəm-ˈpyūt-ər-nɪk\ *n* [computer + -nik] (1968): COM-
PUTERIST
com-ra-de \ˈkɑm-rād, -rəd, esp *Brit* -ˈrād\ *n* [MF *camarade* group sleep-
ing in one room, roommate, companion, fr. *OSP camarada*, fr. *camara*
room, fr. *LL. camera*, *camara* — more at *CHAMBER*] (1544) 1 a: an
intimate friend or associate: COMPANION b: a fellow soldier 2 [fr. its
use as a form of address by communists]: COMMUNIST — *com-ra-de-ly*
-lɪ-əs\ *n* — *com-ra-de-ly* *adj* — *com-ra-de-ship* \-ship\ *n*
com-ra-der-y \ˈkɑm-rād(-ə)-rē, -rəd-rē, -rād(-ə)-rē\ *n* (1879): CAMARA-
DERIE
com-st \ˈkɑm-sat\ *service mark* — used for communications services
involving an artificial satellite
Com-stock-ery \ˈkɑm-stək-ə-rē also ˈkɑm-ˈ\ *n* [Anthony Comstock + E
-ry] (1905) 1: strict censorship of materials considered obscene 2
: censorious opposition to alleged immorality (as in literature)
Com-stock-ian \ˈkɑm-stək-ē-ən also ˈkɑm-ˈ\ *adj* (1921): of or relating to
Comstockery

com-symp \ˈkɑm-sɪmp\ *n* [communist + sympathizer] (ca. 1961): a
person sympathetic to communist causes — usu. used disparagingly
Com-tian or *Com-ean* \ˈkɑm(p)-tē-ən, ˈkɑ(n)-tē-ən\ *adj* (1846): of or
relating to Auguste Comte or his doctrines — *Com-tism* \ˈkɑm(p)-tɪz-
əm, ˈkɑ(n)-tɪz-əm\ *n* — *Com-tist* \ˈkɑm(p)-tɪst, ˈkɑ(n)-tɪst\ *adj* or *n*
com \ˈkɑn\ *vi* *con-*; *con-* [ME *connen* to know, learn, study, alter,
of *cunnen* to know, infin. of *can* — more at *CAN*] (13c) 1: to commit
to memory 2: to study or examine closely: PERUSE
con var of *CONN*
con *adv* [ME, short for *contra*] (15c): on the negative side: in opposi-
tion (so much has been written *pro* and ~)
con *n* (1589) 1: an argument or evidence in opposition 2: the nega-
tive position or one holding it (an appraisal of the *pros* and ~s)
con *adj* [by shortening] (1899): CONFIDENCE
con *vi* *con-*; *con-* [ME *con-*] (1896) 1: SWINDLE 2: PERSUADE, CAJOLE
con *n* [by shortening] (1893): CONVICT
con *n* [short for *consumption*] *slang* (1915): a destructive disease of the
lungs; esp: TUBERCULOSIS
con- — see *COM-*
con amore \ˈkɑn-ə-mōr-ē, ˈkɑ-nə-mōr(-)jə, -mōr-ə\ *adv* [It.] (1739) 1
: with love, devotion, or zest 2: in a tender manner — used as a
direction in music
con animo \kɑ-ˈnān-ə-miə, kɑ-ˈnān-i-ə\ *adv* [It. lit., with spirit] (1906)
: in a spirited manner — used as a direction in music
con-a-tion \ˈkɑ-nā-shən\ *n* [L *conatio*, *conatio* act of attempting, fr.
conatus, pp. of *conari* to attempt — more at *DEACON*] (1836): an incli-
nation (as an instinct, a drive, a wish, or a craving) to act purposefully
: IMPULSE 3 — *con-a-tive* \ˈkɑ-nat-iv, -nāt-, ˈkɑn-at-ə\ *adj*
con brio \kɑn-ˈbrē(-)jə, kɑn-ə\ *adv* [It. lit., with vigor] (ca. 1891): in a
vigorous or brisk manner — used as a direction in music
con-ca-na-va-lis \ˈkɑn-kə-nə-və-lən\ *n* [com- + *canavalin* (a noncrystal-
line globulin found in the jack bean), fr. *NL. Canavalia*, genus name of
the jack bean] (1919): either of two crystalline globulins occurring in
the jack bean; esp: one that is a potent hemagglutinin
con-cat-e-nate \ˈkɑn-kat-ə-nət, kən-ə\ *adj* [ME, fr. *LL. concatenatus*, pp.
of *concatenare* to link together, fr. *L. com-* + *catenā* chain — more at
CHAIN] (15c): linked together
concatenate \-nāt, -nāt-əd, -nāt-əd\ *vi* -*nated*, -*nating* (1598): to link together in a
series or chain — *con-cat-e-na-tion* \ˈkɑn-kat-ə-nā-shən, kən-ə\ *n*
con-cave \ˈkɑn-kāv, ˈkɑn-ə\ *adj* [MF, fr. *L. concavus*, fr. *com-* + *cavus*
hollow — more at *CAVE*] (15c) 1: hollowed or rounded inward like
the inside of a bowl 2: arched in: curving in — used of the side of a
curve or surface on which neighboring normals to the curve or surface
converge and on which lies the chord joining two neighboring points of
the curve or surface
con-cave \ˈkɑn-kāv\ *n* (1552): a concave line or surface
con-cav-ity \ˈkɑn-kav-ə-ti, -ti\ *n*, pl. -*ties* (15c) 1: a concave line, surface,
or space: HOLLOW 2: the quality or state of being concave
con-ca-vo-convex \ˈkɑn-kāv-ə-və\ *adj* (1676) 1: concave on one side and
convex on the other 2: having the concave side curved more than the
convex
con-ceal \kən-ˈse(ə)\ *vi* [ME *concelen*, fr. *MF. concealer*, fr. *L. concealere*,
fr. *com-* + *celare* to hide — more at *HELL*] (14c) 1: to prevent disclo-
sure or recognition of 2: to place out of sight *syn* see *HIDE* — *con-*
ceal-able \-se(ə)-lə-bəl\ *adj* — *con-ceal-er* \-se(ə)-lər\ *n* — *con-ceal-er-ly*
\-se(ə)-lē-lē\ *adv* — *con-ceal-ment* \-se(ə)-l-mənt\ *n*
con-cede \kən-ˈsed\ *vb* *con-*; *con-*; *con-* [F or L; *F. concedere*, fr. *L. concedere*,
fr. *com-* + *cedere* to yield — more at *CEDE*] *vi* (1632) 1: to
grant as a right or privilege 2 a: to accept as true, valid, or accurate
(the right of the state to tax is generally *con-*) b: to acknowledge
grudgingly or hesitantly ~ *vi*; to make concession: YIELD *syn* see
GRANT — *con-ced-ed-ly* \-sed-əd-lē\ *adv* — *con-ceder* *n*
con-ceit \kən-ˈset\ *n* [ME, fr. *conceit*] (14c) 1 a (1): a result of
mental activity: THOUGHT (2): individual opinion b: favorable
opinion; esp: excessive appreciation of one's own worth or virtue 2
a: a fancy article 3 a: a fanciful idea b: an elaborate or strained
metaphor c: use or presence of such conceits in poetry
con-ceit *vi* (1557) 1 obs: CONCEIVE, UNDERSTAND 2 *dial*: IMAGINE 3
dial Brit: to take a fancy to
con-ceit-ed \-set-əd\ *adj* [*conceit*] (1593) 1: ingeniously contrived
: FANCIFUL 2: having an excessively high opinion of oneself — *con-*
ceit-ed-ly *adv* — *con-ceit-ed-ness* *n*
con-ceiv-able \ˈkən-se(ə)-və-bəl\ *adj* (15c): capable of being conceived
: IMAGINABLE — *con-ceiv-abil-ty* \ˈkən-se(ə)-və-bil-ə-ti\ *n* — *con-ceiv-*
able-ness \-se(ə)-və-bəl-nəs\ *n* — *con-ceiv-ably* \-blē\ *adv*
con-ceive \ˈkən-sēv\ *vb* *con-*; *con-*; *con-* [ME *conceivere*, fr. *MF. conceivere*,
fr. *L. concipere* to take in, conceive, fr. *com-* + *capere* to take
— more at *HEAVE*] *vi* (14c) 1 a: to become pregnant with (young)
b: to cause to begin: ORIGINATE 2 a: to take into one's mind (~ a
prejudice) b: to form a conception of: IMAGINE, IMAGE 3: to appre-
hend by reason or imagination: UNDERSTAND 4: to be of the opinion
~ *vi* 1: to become pregnant 2: to have a conception — usu. used
with *of* (~ of death as emptiness) *syn* see *THINK* — *con-ceiv-er* *n*
con-cele-brant \ˈkən-sel-ə-brant, kən-ə\ *n* (ca. 1931): one that concele-
brates a Eucharist or Mass
con-cele-brate \ˈkən-sel-ə-brāt, kən-ə\ *vb* [L *concelebratus*, pp. of *con-*
celebrare to celebrate in great numbers, fr. *com-* + *celebrare* to cele-
brate] *vi* (1879): to participate in (a Eucharist) as a joint celebrant
who recites the canon in unison with other celebrants ~ *vi*; to partici-
pate as a celebrant in a consecrated Eucharist — *con-cele-bration*
\ˈkən-sel-ə-brā-shən, kən-ə\ *n*
con-cent \ˈkən-sent\ *n* [L *concentus*, fr. *concentus*, pp. of *concinnare*
to sing together, fr. *com-* + *canere* to sing — more at *CHANT*] *archaic*
(1585): HARMONY
con-center \ˈkən-sent-ər, kən-ə\ *vb* [F *concentrer*, fr. *com-* + *centre*
center] *vi* (1630): to draw or direct to a common center: CONCENTRATE
~ *vi*; to come to a common center

about kitten, F. table further ash ace cot, cart
out chin bet easy go hit ice job
sing go law boy thin the loot foot
yet vision k, c, q, z, u, e, i, y see Guide to Pronunciation



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APPENDIX II

1. 5,442,795, Aug. 15, 1995, System and method for viewing icon contents on a video display, Levine, Stephen R., North Andover, Massachusetts Boylan, Stephen P., Somerville, Massachusetts Schirpke, Michael W., Bedford, Massachusetts Donoghue, Karen, Melrose, Massachusetts Harui, Alex J., Derry, New Hampshire, Wang Laboratories, Inc., Billerica, Massachusetts (02), Date Transaction Recorded: Feb. 05, 1996 ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS). BT COMMERCIAL CORPORATION (AS AGENT) 14 WALL STREET NEW YORK, NEW YORK 10005 Reel & Frame Number: 7795/0928 Date Transaction Recorded: Nov. 29, 1996 FREE FORM TEXT SECURITY AGREEMENT BT COMMERCIAL CORPORATION 14 WALL STREET NEW YORK, NEW YORK 10005 Reel & Frame Number: 8246/0001 Date Transaction Recorded: Apr. 10, 1997 ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS). KODAK LIMITED HEMEL HEMPSTEAD, HERTS HP1 1JU, ENGLAND Reel & Frame Number: 8447/0547

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3. 5,339,392, Aug. 16, 1994, Apparatus and method for creation of a user definable video displayed document showing changes in real time data, Risberg, Jeffrey S., 3249 Morris Dr., Palo Alto, California 94303 Skeen, Marion D., 3826 Magnolia Dr., Palo Alto, California 94306

4. 5,333,255, Jul. 26, 1994, Apparatus for displaying a plurality of two dimensional display regions on a display, Damouth, David E., Rochester, New York Xerox Corporation, Stamford, Connecticut (02)

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11. 5,165,012, Nov. 17, 1992, Creating reminder messages/screens, during execution and without ending current display process, for automatically signalling and recalling at a future time, Crandall, Richard L., Ann Arbor, Michigan Loeffers, Dorothy A., Ann Arbor, Michigan Beyer, Thomas P., Ann Arbor, Michigan Hansknecht, Paul E., Northville, Michigan Eschman, James K., Ann Arbor, Michigan, Comshare Incorporated, Ann Arbor, Michigan (02), Date Transaction Recorded: Jun. 08, 1993 SECURITY INTEREST (SEE DOCUMENT FOR DETAILS). NBD BANK, N.A. 611 WOODWARD AVENUE DETROIT, MICHIGAN 48226 Reel & Frame Number: 6570/0357

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PROFORM FITNESS PRODUCTS, INC. 1500 SOUTH 1000 WEST LOGAN, UT 84321 Reel & Frame Number: 6826/0066 Date Transaction Recorded: Nov. 14, 1994 SECURITY INTEREST (SEE DOCUMENT FOR DETAILS). GENERAL ELECTRIC CAPITAL CORPORATION 190 S. LASALLE STREET, STE. 1200 CHICAGO, IL 60603 Reel & Frame Number: 7197/0298 Date Transaction Recorded: Nov. 23, 1994 MERGER (SEE DOCUMENT FOR DETAILS). ICON HEALTH & FITNESS, INC. 1500 SOUTH 1000 WEST LOGAN, UT 84321 Reel & Frame Number: 7215/0331 Date Transaction Recorded: Dec. 14, 1994 SECURITY INTEREST (SEE DOCUMENT FOR DETAILS). GENERAL ELECTRIC CAPITAL CORPORATION SUITE 1200 190 S. LASALLE CHICAGO, IL 60603 Reel & Frame Number: 7265/0141

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Pittsburgh, Pennsylvania Corbett, John D., Pittsburgh, Pennsylvania, University of Pittsburgh, Pittsburgh, Pennsylvania (02)

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